

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

GABRIELA CAMPOS,

Plaintiff,

v.

MIDFIRST BANK,

Defendant.

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Civil Action No. 4:23-cv-01493

MIDFIRST BANK’S ANSWER TO PLAINTIFF’S AMENDED COMPLAINT

MidFirst Bank (“Defendant” or “MidFirst”), Defendant in the above-styled and numbered cause, files this Answer to Plaintiff Gabriela Campos’ (“Plaintiff” or “Campos”) Amended Complaint (“Complaint”) [Doc. 12].

**I.
ANSWER TO CLAIMS**

1. MidFirst admits the statement contained in Paragraph 1 of the Complaint.
2. MidFirst admits the statements contained in Paragraph 2 of the Complaint is correct.
3. MidFirst admits the statements of Paragraph 3 of the Complaint.
4. MidFirst admits that that the Property made subject of this suit is correctly described in Relevant Facts, Paragraph 1 of the Complaint.
5. MidFirst admits that Plaintiff and her non-party spouse purchased the Property as described Relevant Facts, Paragraph 2 of the Complaint, but denies that Plaintiff executed the Note. MidFirst further states that the document attached as Exhibit 1 and 2 speak for themselves.
6. MidFirst admits the statements of Relevant Fact, Paragraph 3 of the Complaint.

7. MidFirst admits that Plaintiff was given a forbearance as stated in Relevant Fact, Paragraph 4 of the Complaint, but denies the remaining allegations of that Paragraph.

8. MidFirst admits the allegations in Relevant Facts, Paragraph 5 of the Complaint. MidFirst further states that the document attached as Exhibit 3 speaks for itself.

9. MidFirst denies the allegations of Relevant Facts, Paragraph 6 of the Complaint.

10. MidFirst states that no response is necessary to Plaintiff's incorporation by reference of the previous paragraphs as stated in Paragraph 7 of the Complaint, to the extent any response is necessary, all allegations are denied.

11. MidFirst denies the allegations of Paragraph 8 of the Complaint.

12. MidFirst states that no response is necessary to Plaintiff's incorporation by reference of the previous paragraphs as stated in Paragraph 9 of the Complaint, to the extent any response is necessary, all allegations are denied.

13. MidFirst denies the allegations of Paragraph 10 of the Complaint.

14. MidFirst denies the allegations of Paragraph 11 of the Complaint .

15. MidFirst denies the allegations of Paragraph 12 of the Complaint.

16. MidFirst denies the allegations of Paragraph 13 of the Complaint.

17. MidFirst denies the allegations of Paragraph 14 of the Complaint.

18. MidFirst denies Plaintiff is entitled to the relief requested in the PRAYER portion of the Complaint.

II.

AFFIRMATIVE DEFENSES

19. In addition to and without waiving the foregoing specific denials made herein, MidFirst asserts the following affirmative defenses to the allegations in Plaintiff's Complaint.

20. Plaintiff fails to state a claim upon which relief can be granted.

21. Plaintiff's claims are barred by Plaintiff's prior breach.
22. Plaintiff's claims are barred by unclean hands.
23. Plaintiff's claims are barred due to MidFirst's compliance with the terms of the Deed of Trust and the Texas Property Code.
24. Plaintiff's claims are barred the economic loss doctrine.
25. Plaintiff's claims are barred the statute of frauds.
26. Plaintiff's damages, if any, which MidFirst does not admit, were caused in whole or in part by Plaintiff's own acts, negligent or otherwise, and MidFirst is thus not liable.

CONCLUSION

MidFirst Bank files this Answer to Plaintiff's Amended Complaint. [Doc. 12]. MidFirst prays that Plaintiff's Amended Complaint be dismissed and that Plaintiff take nothing by way of her claims. MidFirst further prays that it be awarded such other relief, whether at law or in equity, to which it may be justly entitled.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

Pursuant to Federal Rules of Civil Procedure, the foregoing has been filed with the Court via CM/ECF and sent to all parties of record on this the 7th day of July 2023.

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ATTORNEYS FOR PLAINTIFF

/s/ Shelley L. Hopkins
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